

her parents need to pass on the business.

Janet says:

Because we are a third generation printing facility, we have already paid the estate tax in the early 1970's. Both of my parents are well into their seventies and not insurable because of ill health and the astronomical cost associated to do so. At roughly \$100,000 a year [for this insurance policy], we cannot afford it.

She says:

Let my employees keep their jobs and let us maintain the risk of owning the business to keep them employed.

She is reminding us it is not just the family that is affected, but it is everyone who works for these businesses who are ruined by this death tax.

Over the years, Green has tried not only to be successful in generating profits, but also successful at being a good neighbor. She does this by supplying 20 people in the community with good jobs and benefits, and by building lasting relationships with employees that allow the company to plan for future growth and the workers to enjoy a stable income and fulfilling livelihood.

Her family wants to keep Greens Printers even after she is gone.

We have 16 grandchildren who would love to take over the company and see it grow someday.

She asked us in Congress:

Does Congress really think that we small, family-owned businesses out here have hundreds of thousands of dollars tucked away for estate taxes? Any money we make we put right back into the business by purchasing new equipment and hiring more employees.

Let's look at another business, the Barthle Brothers Ranch, in Florida. These are some more fat cats, as Senator DURBIN would call them. Larry, Mark, and Randy Barthle are brothers who share a similar story with many ranchers around the country. They are trying to maintain the family ranch their father built in the early 1930s so they can pass it on to future generations.

The ranch has received national recognition for its environmental stewardship practices that protect and promote the environment and wildlife. The family is dedicated to youth development to encourage future generations of ranchers to care for resources responsibly.

Larry Barthle says:

Our family was first struck by the Death Tax in the early 1970s when both my grandfather and uncle passed away within a short period of each other. We had to sell 1,200 acres of the ranch. Every penny went to pay taxes assessed to us and we still had to take out a loan for the balance. Not one cent was used for anything except taxes. After such a devastating blow, it was my father's lifelong goal to be able to pass along the ranch to his kids without being hit by the Death Tax. He was successful at the time of his death because he was able to make the transfers to my mother. We currently have our ranch set up [in all kinds of legal frameworks in order to try to get it through the death of another owner.]

This is not fair to American families and businesses.

Just one more quick example here, Mt. Pulaski Products. Scott and Kathryn Steinfort operate the family-owned Mt. Pulaski Products, Inc., in a small town in Illinois that bears the company name. It has been in business since 1951. They sell products that are absorbents and abrasives. For decades, the family has worked to build a successful business, which employs over 44 citizens there in Mt. Pulaski.

The Steinforts also are known for their community service, dedicated to serving the community. They have two sons. Both are serving in Iraq, both with engineering degrees. While many other engineering graduates are making big salaries, they serve our country. Someday they would like to join the company business, but the death tax looms over the family business. Without wealth, the Steinforts may be forced to sell the business to pay for the death tax, not only taking from future generations but possibly putting 40 families out of work. They say:

My wife and I have life insurance to cover these taxes, but as we age our premiums are marching steadily higher. Combined with not knowing how much we need to plan for in taxes and fees, the potential costs ultimately point to only one path: sale or liquidation of our plants to pay our tax burdens.

I have a lot more here that we could talk about, but I will put up one more chart. The Senator from Illinois, Senator DURBIN, has told the American people that only 8,200 American families are affected by the death tax. The only reason that is today is because the Republicans have overcome Democratic obstruction and at least temporarily reduced the death tax. If the Democrats get their way, the tax on the American family will reach over 3.3 million children and grandchildren of those who die in the 10 years after 2011. Over the next generation, millions of children and grandchildren and workers in small businesses and farms will be affected.

I ask all my colleagues, what is the difference between these numbers? The difference is the truth. We have been misled, that this tax is about the wealthiest of Americans. Whereas, as we have seen today, in the homes and the farms, the small businesses, this tax is immoral. It steals from the American people, the hard-working families who put together some savings to pass along to the next generation. It is not to the fat cats and their lobbyists. It is to the average Americans, who are doing what we expect them to do, and that is to work and to save and to build a better future.

Today we have seen again that the opportunity to compromise and at least reduce these taxes was blocked again by our Democratic colleagues. Yet they come to this floor every day and ask why we are not doing something for the cost of living of the American people, to help improve their future. I think the reason for this is obvious. Senator CORNYN brought it up a

minute ago. The Democratic strategy is to block what needs to be done and then try to blame someone else when it does not get done. The American people are smarter than that and they will see the difference.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I ask unanimous consent to speak up to 15 minutes as in morning business.

The PRESIDING OFFICER. Is there objection? The Senator from Louisiana.

Mr. HATCH. Will the Senator yield for a unanimous consent request?

Ms. LANDRIEU. Yes.

Mr. HATCH. Mr. President, I ask unanimous consent that I be recognized as soon as the distinguished Senator from Louisiana has finished.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

There is agreement to both requests.

Ms. LANDRIEU. Mr. President, I am sure there is going to be a very vigorous response to the charges that were made by my good friend, the Senator from South Carolina. Those will come later. I am sure that will be a very heated debate as we go on through these next few days and next few months.

The PRESIDING OFFICER. The Senator from Louisiana is recognized as in morning business for up to 15 minutes.

Ms. LANDRIEU. I thank the Chair.

(The remarks of Ms. LANDRIEU pertaining to the submission of S. Res. 585 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

#### OIL AND GAS DRILLING IN THE GULF OF MEXICO

Ms. LANDRIEU. Mr. President, I would like to turn my attention to one issue we have to resolve before we leave on this Friday or Saturday.

The Senators from Mississippi and Texas and Alabama and Louisiana and the Senators from Florida have stepped forward to come up with a plan that will do more than just talk about the recovery of the gulf coast but will actually put money behind that promise. We will put real money behind that promise.

We have been working for months and months through an extremely difficult negotiation and have come up with a way to open more drilling in the Gulf of Mexico, drilling for oil and drilling for gas—particularly natural gas—as our region struggles to come back, to stay competitive as industries large and small struggle to come back. The price of natural gas remains too high. One way to drive it down is to open more gas reserves in this Nation, to open the supply.

In the last Energy bill we passed, there were any number of ideas and new initiatives for energy conservation. But what we didn't do in the last Energy bill—please hear me—was open

new production. We spent the whole time debating ANWR as if it were the only place in America we could drill. We have debated it for 40 years, and maybe we will continue to debate it, but it ended in a no advance-no retreat status—basically a draw—in the last Energy bill because all the energy was spent in a discussion of ANWR, which is a very important subject, but it is not the only place that has oil and has gas. We have a lot of it in the gulf. We are willing to drill.

This is the extraordinary find just off the coast of Louisiana—actually an outside distance of over 200 miles—most extraordinarily, 28,000 feet deep, 20,000 feet of water and 8,000 feet below the floor. This well in this small, little square will double the size of the reserves in the entire Gulf of Mexico. There is plenty of oil and gas in the gulf, and the great news is that Texas, Louisiana, Mississippi, and Alabama will do the drilling. We will be host for the industry. We respect the rights of other States that might choose other ways. Your State, Mr. President, has chosen a different way, other States look at the Atlantic coast and have chosen a different way, and Florida has chosen a different way. That debate is for another day.

Right now, the American people need this leadership team to act, to open 9 million new acres of land in the Gulf of Mexico. This has been agreed to by Democrats, by Republicans, by Florida, by Alabama, by Mississippi, by Louisiana, and by Texas, by all the Governors, starting with Governor Bush, to Governor Perry, to Governor Blanco, to Governor Riley, to Governor Barbour. You would think we could get this done before we leave.

This is a jack well, one little square. This is lease sale 181 and 181 south, which PETE DOMENICI has led in an extraordinary bipartisan effort with 72 votes on the floor to open this drilling. Many want to say it is not enough. It looks pretty big to me. We don't even know the oil and gas that is there because we haven't even tested it. Trust me, there is a lot of oil and gas. Check the industry, check the Web site about what must be there. And there is no fight about it. The only fight is we can't seem to get this bill passed when most everybody has agreed to it. Some people are holding out to drill off the coast of California or off the coast of New Hampshire or off the coast of New Jersey, which is not going to happen in the next week. It may not happen in the next year or two. But this can happen now. We need to make this happen now. The industry needs the oil and gas.

Why do I keep saying it is America's energy coast? Because this is the pipeline. I didn't make this up. This comes off of the Web site. It is from the Annual Florida Natural Gas Supplemental Gas Supply and Disposition from the Energy Administration. This is not from MARY LANDRIEU's office; this is from the Energy Administration. This

is where the natural gas is. This is where it comes from. The infrastructure is here, and our country desperately needs it.

Here is another chart that shows it in a more colorful fashion. This is the pipeline coverage. You can see the contributions of Texas, Louisiana, and Mississippi. This is the Superdome. It sits right here. There is Mississippi, Louisiana, and Texas. Right here is the heart of America's energy coast. We are proud of it.

There is not a whole lot of drilling going on up here, not a whole lot up here in the northwest, but the infrastructure is here.

We need to open up lease sale 181. The steady stream of revenue to restore this coast and to build these levees—\$8 billion—is produced off of this coast every year, and getting a portion of these revenues back to these States, opening additional reserves, and sharing these revenues to build this coast and to restore this coast is something we can get done.

In the spirit of the leadership and the spirit of the great victory last night, let this team in Washington get this victory for the country before we leave. I yield the floor.

THE PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I certainly enjoyed the remarks of my friend from Louisiana.

#### MARKING THE 20TH ANNIVERSARY OF THE APPOINTMENT OF SUPREME COURT ASSOCIATE JUSTICE ANTONIN SCALIA

Mr. HATCH. Mr. President, I proudly rise to mark the 20th anniversary of a great event.

Twenty years ago today, Antonin Scalia took the oath of office to become an Associate Justice of the Supreme Court of the United States.

Through his dogged commitment to the fundamental principles of liberty, and the brilliance and passion with which he expresses that commitment, Justice Scalia is having a profoundly positive impact on our nation.

In the time I have this morning, I would like to offer a few general remarks about Justice Scalia's judicial philosophy, his judicial personality, and his judicial impact.

Antonin Scalia was born on March 11, 1936, in Trenton, New Jersey, the only child of immigrant parents.

After graduating first in his high school class, summa cum laude and valedictorian from Georgetown, and magna cum laude from Harvard Law School, he embarked on a legal career that would include stints in private practice, government service, the legal academy, and the judiciary.

President Reagan appointed Antonin Scalia in 1982 to the U.S. Court of Appeals for the D.C. Circuit, and then in 1986 to his current post on the Supreme Court.

President Reagan did not choose Justice Scalia simply because he is smart and talented.

With all due respect to the good Justice, there are many smart and talented people around.

No, President Reagan chose Justice Scalia because his smarts and talents are connected to a deeply considered and deliberately framed judicial philosophy rooted in the principles of America's founding.

Indeed, as Pepperdine law professor Douglas Kmiec has said, Justice Scalia "is the justice who works the hardest to construct a coherent theory of constitutional interpretation that does not change from case to case."

When the Judiciary Committee hearing on Justice Scalia's nomination opened on August 5, 1986, I quoted from the Chicago Tribune's evaluation that the nominee before us was "determined to read the law as it has been enacted by the people's representatives rather than to impose his own preference upon it."

Consider for a moment the vital importance of this simple principle.

Since the people and their elected representatives alone have the authority to enact law, the way they have enacted it is the only sense in which the law is the law.

The way they have enacted it, then, is the only legitimate way for judges to read it.

This fundamental principle is at the heart of Justice Scalia's judicial philosophy.

This principle springs directly from the separation of powers, which America's founders said was perhaps the most important principle for limiting government and preserving liberty.

Alexander Hamilton wrote in *The Federalist* No. 78 that there is no liberty if the judiciary's power to interpret the law is not separated from the legislature's power to make the law.

In his dissenting opinion in *Morrison v. Olson*, Justice Scalia highlighted the Massachusetts Constitution of 1780 which, to this day, contains what Justice Scalia called the proud boast of democracy, that this is a government of laws and not of men.

The Massachusetts charter, however, also states what is required for this boast to be realized.

It requires the separation of powers, including that the judiciary shall never exercise the power to make law.

Today, only 42 percent of Americans know the number of branches in the federal government and fewer than 60 percent can name even a single one.

But America's founders insisted that identifying them, defining them, and separating them is essential for liberty itself.

In *Marbury v. Madison*, the great Chief Justice John Marshall wrote that it is the duty of the judicial branch to say what the law is.

Not what the law says, but what the law is.

The law is more than simply ink blots formed into words on a page.

Saying what the law is requires saying what the law means, for that meaning is the essence of the law itself.